

EX PARTE OR LATE FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
DEC 22 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

)
Redesignation of the 17.7-19.7 GHz Frequency)
Band, Blanket Licensing of Satellite)
Earth Stations in the 17.7-20.2 GHz and)
27.5-30.0 GHz Frequency Bands,)
and the Allocation of Additional Spectrum)
in the 17.3-17.8 GHz and 24.75-25.25 GHz)
Frequency Bands for Broadcast)
Satellite-Service Use)

IB Docket No. 98-172
RM-9005
RM-9118

~~Cable Services Bureau~~

~~DEC 23 1998~~

~~Received~~

**MOTION OF AMERITECH TO ACCEPT
LATE-FILED PLEADING**

Ameritech respectfully files this Motion to accept the attached late-filed pleading in the above-captioned matter. Despite the best efforts and diligence of all Ameritech personnel associated with the drafting, preparation and handling of Ameritech's Reply Comments in this proceeding, the local courier service engaged to deliver this pleading arrived at the Clerk's office after it had closed for the day's business.

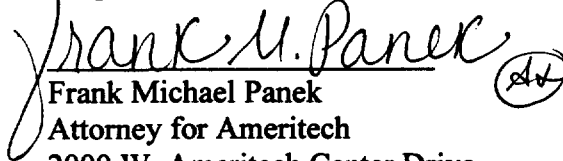
Copies of the pleading have already been duly served on all parties to the proceeding, as attested to by the attached Affidavit of Service required by the Commission's rules.¹ Ameritech's Reply Comments are limited to two specific issues in the matter at hand, and no further pleadings in this matter have been authorized or requested by the Commission. Thus, no party may rightfully claim that its rights or interests have been prejudiced by the filing of these Reply Comments on the day after the date set by the Commission for their filing.

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For these reasons, Ameritech requests that its Reply Comments be accorded full consideration as if timely filed with the Commission.

Respectfully submitted,

 (A circular stamp with the initials "FMP" is located to the right of the signature.)

Frank Michael Panek
Attorney for Ameritech
2000 W. Ameritech Center Drive
Room 4H84
Hoffman Estates, IL 60196
847-248-6064

Dated: December 22, 1998

¹ 47 CFR § 1.47(d).

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in the 17.3-17.8 GHz and 24.75-25.25 GHz)	
Frequency Bands for Broadcast)	
Satellite-Service Use)	

**REPLY COMMENTS
OF
AMERITECH**

Ameritech files these Reply Comments in the above-captioned matter,¹ concurring in the arguments of those parties² who support the Commission's proposal to grandfather existing fixed system operators as primary users of the 17.7 - 19.7 GHz band (NPRM, para. 40). In addition, current users of the band for fixed wireless service applications should be given the option of relocating their existing operations to other frequency at the expense of fixed satellite service ("FSS") operators who would displace them from their existing assignments.

Ameritech currently owns and operates a dozen systems as point-to-point transport facilities connecting central office locations to customer premises, typically at a

¹ In the Matter of Redesignation of the 17.7-19.7 GHz Frequency Band, IB Docket No. 98-172, Notice of Proposed Rulemaking, rel. September 18, 1998 (hereinafter "NPRM").

² See, e.g., Comments of Fixed Wireless Communications Coalition (at 5); Comments of WinStar (at 2, 11).

DS-1 or DS-3 rate. Five of these systems are in permanent or semi-permanent configurations, while seven are used on a temporary basis for service restoral or the provision of emergency service. Only four of these systems are of designs that are capable of being retuned for use at other frequencies. In addition, planning is now underway for the use of these systems in various digital loop carrier applications. Thus, absent grandfathering of these systems in the band at issue, Ameritech would be forced to make significant investments in other new facilities to continue serving the majority of these customers -- for the sole benefit of FSS operators who seek to deploy new service offerings.³ Indeed, as SBC notes, without the use of these fixed radio links, there may be no other practical means to provide any service whatsoever to certain remote areas.⁴

As some parties noted,⁵ some fixed service operators may be forced by insurmountable technical hurdles to move their existing facilities to new frequencies instead of operating on a co-primary basis in grandfathered status. Where a fixed service operator believes this to be the case, the resultant costs should be borne by the FSS

³ Despite Teledesic's argument (at 18) that "(e)veryone will benefit from reduced coordination costs and higher deployment densities", it is clear that only incumbent fixed service operators will incur these relocation costs.

⁴ Comments of SBC (at 2-3).

⁵ Comments of Skybridge (at 6); Comments of SBC (at 4-5); Comments of CTIA (at 4); Comments of BellSouth (at 9-10); Comments of Airtouch (at 10-11); Comments of LORAL (at 6).

operator for whose benefit the fixed service is relocated.⁶ The unacceptable alternative would be for a fixed service operator to wait for interference problems to occur before acting to protect the telecommunications service of its customers.

Respectfully submitted,

A handwritten signature in dark ink, reading "Frank M. Panek" with a circled "A" at the end.

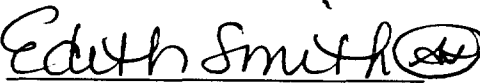
Frank Michael Panek
Attorney for Ameritech
2000 W. Ameritech Center Drive
Room 4H84
Hoffman Estates, IL 60196
847-248-6064

Dated: December 21, 1998

⁶ Comments of CTIA (at 3); Comments of ABC (at 2); Comments of WinStar (at 11, 13); Comments of API (at 13-14).

CERTIFICATE OF SERVICE

I, Edith Smith, do hereby certify that a copy of Ameritech's Reply Comments has been served on the parties listed on the attached service list, via first class mail, postage prepaid, on this 21st day of December 21, 1998.

By: Edith Smith 
Edith Smith

DOUGLAS BRANDON
VICE PRESIDENT
AT&T WIRELESS SERVICES INC
1150 CONNECTICUT AVENUE NW
WASHINGTON DC 20036

HOWARD J SYMONS
SARA F SEIDMAN
MICHELLE M MUNDT
MINTZ LEVIN COHN FERRIS GLOVSKY & POPE
PC
SUITE 900
701 PENNSYLVANIA AVE NW
WASHINGTON DC 20004

BESTY STOVER GRANGER
PACIFIC BELL MOBILE SERVICES
4420 ROSEWOOD DRIVE 4TH FLOOR
PLEASANTON CA 94588

CAROL TACKER
SBC WIRELESS INC
VICE PRESIDENT & GENERAL COUNSEL
SUITE 100A
17330 PRESTON ROAD
DALLAS TX 75252

ROBERT M LYNCH
SBC TELECOMMUNICATIONS INC
SENIOR VICE PRESIDENT & GENERAL
COUNSEL
SUITE 1250
175 E HOUSTON
SAN ANTONIO TX 78205

DURWARD D DUPRE
SBC COMMUNICATIONS INC
VICE PRESIDENT & ASSOCIATE GENERAL
COUNSEL
SUITE 3703
ONE BELL PLAZA
DALLAS TX 75202

JOSEPH P MARKOSKI
HERBERT E MARKS
DAVID A NALL
BRUCE A OLCOTT
THE BOEING COMPANY
SQUIRE SANDERS & DEMPSEY LLP
P O BOX 407
1201 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20044-0407

CRAIG HOLMAN
OFFICE OF THE GROUP COUNSEL
SPACE & COMMUNICATIONS GROUP
P O BOX 3999 M/S 84-10
SEATTLE WASHINGTON 98124-2499

LEONARD ROBERT RAISH
RON COLES
ERIC SCHIMMEL
GEORGE PETRUTSAS
FIXED WIRELESS COMMUNICATIONS
COALITION
FLETCHER HEALD & HILDRETH PLC
1300 NORTH 17TH STREET 11TH FLOOR
ARLINGTON VA 22209

PHILIP L MALET
JAMES M TALENS
MOTOROLA INC
STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE NW
WASHINGTON DC 20036

MICHAEL D KENNEDY
CORPORATE VICE PRESIDENT
BARRY LAMBERGMAN
MANAGER
MOTOROLA INC
1350 I STREET NW
WASHINGTON DC 20005

GERALD S ROSENBLATT
WILLIAM LYE
SPECTRUM & ORBIT UTILIZATION SECTION
TELECOMMUNICATION INDUSTRY
ASSOCIATION
SUITE 300
2500 WILSON BLVD
ARLINGTON VA 22201

PETER A ROHRBACH
KARIS A HASTINGS
F WILLIAM LEBEAU
HOGAN & HARTSON LLP
555 THIRTEENTH STREET NW
WASHINGTON DC 20004

PHILIP V OTERO
SENIOR VICE PRESIDENT & GENERAL
COUNSEL
GE AMERICAN COMMUNICATIONS INC
FOUR RESEARCH WAY
PRINCETON NJ 08540

CHRISTOPHER R HARDY
VICE PRESIDENT
COMSEARCH
2002 EDMUND HALLEY DRIVE
RESTON VIRGINIA 20191

PHILIP L VERVEER
STEPHEN R BELL
JENNIFER D MCCARTHY
LORAL SPACE & COMMUNICATIONS LTD
WILLKIE FARR & GALLAGHER
THREE LAFAYETTE CENTRE
1155 21ST STREET NW
WASHINGTON DC 20036-3384

GARY M EPSTEIN
JAMES H BARKER
KIMBERLY S REINDL
DIRECTV ENTERPRISES INC
LATHAM & WATKINS
SUITE 1300
1001 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004-2505

GERALD C MUSARRA
VICE PRESIDENT
LOCKHEED MARTIN GLOBAL
TELECOMMUNICATIONS
CRYSTAL SQUARE 2 SUITE 403
17725 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

STEPHEN M PIPER
VICE PRESIDENT & GENERAL COUNSEL
LOCKHEED MARTIN GLOBAL
TELECOMMUNICATIONS 6801 ROCKLEDGE
DRIVE
BETHESDA MD 20817

JEAN L KIDDOO
NANCY KILLIEN SPOONER
RCN TELECOM SERVICES INC
SWIDLER BERLIN SHEREFF FRIEDMAN LLP
SUITE 300
3000 K STREET NW
WASHINGTON DC 20007

RICHARD OCKO
AESCO SYSTEMS
11 SOUTH BRYN MAWR AVENUE
BRYN MAWR PA 19010

DAVID M DRUCKER
PRESIDENT
KASTAR SATELLITE COMMUNICATIONS CORP
KASTARCOM WORLD SATELLITE LLC
SUITE 140
9137 EAST MINERAL CIRCLE
ENGLEWOOD CO 80112

JOHNATHAN D BLAKE
GERARD J WALDRON
ERIN M EGAN
INDEPENDENT CABLE &
TELECOMMUNICATIONS ASSOCIATION
COVINGTON & BURLING
1201 PENNSYLVANIA AVE NW
WASHINGTON DC 20044

WILLIAM J BURHOP
EXECUTIVE DIRECTOR
INDEPENDENT CABLE &
TELECOMMUNICATIONS ASSOCIATION
SUITE 800
5335 WISCONSIN AVENUE NW
WASHINGTON DC 20015

PATRICIA A MAHONEY
ASSISTANT GENERAL COUNSEL
BRENT H WIENGARDT
COUNSEL
IRIDIUM LLC
1575 EYE STREET NW
WASHINGTON DC 20005

MICHAEL F ALTSCHUL
RANDALL S COLEMAN
LOLITA D SMITH
CELLULAR TELECOMMUNICATIONS INDUSTRY
ASSOCIATION
SUITE 200
1250 CONNECTICUT AVENUE NW
WASHINGTON DC 20005

WAYNE V BLACK
PETER SAARI
AMERICAN PETROLEUM INSTITUTE
KELLER & HECKMAN
1001 G STREET NW
WASHINGTON DC 20001

JAMES R GORDON
PRESIDENT
TADIRAN MICROWAVE NETWORKS
SUITE 100A
4000 GREENBRIAR DR
STAFFORD TEXAS 77477

PHILLIP L SPECTOR
JEFFREY H OLSON
DIANE C GAYLOR
SKYBRIDGE LLC
PAUL WEISS RIFKIND WHARTON &
GARRISON
SUITE 1300
1615 L STREET NW
WASHINGTON DC 20036

JOHN F RAPOSA
GET SERVICE CORPORATION
600 HIDDEN RIDGE HQE03J27
P O BOX 152092
IRVING TX 75015-2092

GAIL L POLIVY
GTE SERVICE CORPORATION
1850 M STREET NW
WASHINGTON DC 20036

MARVIN ROSENBERG
PATRICIA Y LEE
CAPITOL BROADCASTING CO INC & ITS
SUBSIDIARIES
HOLLAND & KNIGHT LLP
SUITE 400
2100 PENNSYLVANIA AVE NW
WASHINGTON DC 20037

JEFFREY L SHELDON
VICE PRESIDENT
UTC THE TELECOMMUNICATIONS
ASSOCIATIONS
SUITE 1140
1140 CONNECTICUT AVE NW
WASHINGTON DC 20036

MARK A GRANNIS
EVAN R GRAYER
TELEDESIC LLC
HARRIS WILTSHIRE & GRANNIS LLP
1200 EIGHTEENTH STREET NW
WASHINGTON DC 20036

WILLIAM B BARFIELD
JIM O LLEWELLYN
BELLSOUTH
SUITE 1800
1155 PEACHTREE STREET NE
ATLANTA GA 30309-3610

DAVID G GROLIO
BELLSOUTH
SUITE 900
1133 21ST STREET NW
WASHINGTON DC 20036

BRUCE D JACOBS
STEPHEN J BERMAN
PEGASUS DEVELOPMENT CORPORATION
FISHER WAYLAND COOPER LEADER &
ZARAGOZA LLP
SUITE 400
2001 PENNSYLVANIA AVE NW
WASHINGTON DC 20006

THOMAS R GIBBON
ANTHONY M BLACK
PANAMSAT CORPORATION
BELL BOYD & LLOYD
SUITE 1200
1615 L STREET NW
WASHINGTON DC 20036

GARY M EPSTEIN
JOHN P JANKA
ARTHUR S LANDERHOLM
HUGHES ELECTRONICS INC
LATHAM & WATKINS
SUITE 1300
1001 PENNSYLVANIA AVE NW
WASHINGTON DC 20004

PAMELA J RILEY
DAVID A GROSS
STEVE SHARKEY
AIRTOUCH COMMUNICATIONS INC
1818 N STREET NW
WASHINGTON DC 20036

NORMAN P LEVENTHAL
STEPHEN D BARUCH
DAVID S KEIR
TRW INC
LEVENTHAL SENTER & LERMAN PLLC
SUITE 600
2000 K STREET NW
WASHINGTON DC 20006

WAYNE V BLACK
JACK RICHARDS
PETER SAARI
WINSTAR COMMUNICATIONS INC
KELLER & HECKMAN LLP
SUITE 500 WEST
1001 G STREET NW
WASHINGTON DC 20001

TIMOTHY R GRAHAM
JOSEPH M SANDRI JR
BARRY J OHLSON
WINSTAR COMMUNICATIONS INC
1146 19TH STREET NW
WASHINGTON DC 20036